

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

GENARO FLORES-DURAN,

1:18-cv-8745 (NLH)

Petitioner,

MEMORANDUM OPINION & ORDER

v.

DAVID ORTIZ,

Respondent.

APPEARANCES:

Genaro Flores-Duran
54651-056
Fort Dix
Federal Correctional Institution
Inmate Mail/Parcels
East: P.O. Box 2000
Fort Dix, NJ 08640

Petitioner pro se

Craig Carpenito, United States Attorney
Kristin Lynn Vassallo, Assistant United States Attorney
U.S. Attorney's Office for the District of New Jersey
970 Broad Street
Newark, NJ 07102

Attorneys for Respondent

HILLMAN, District Judge

WHEREAS, Petitioner Genaro Flores-Duran filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 challenging a prison disciplinary hearing conducted at FCI Fort Dix, ECF No. 1; and

WHEREAS, upon review of the submissions of the parties and record, the Court concludes there are factual disputes requiring the Court to conduct a hearing; and

WHEREAS, specifically, the Court will hear testimony and take evidence on: (1) whether Petitioner presented a list of potential witnesses to prison officials; (2) whether the Disciplinary Hearing Office considered the list; (3) if the Disciplinary Hearing Officer considered the list, was the list rejected and for what reason; (4) what Petitioner's potential witnesses would have said; and (5) whether the supplied Spanish-language translator accurately and completely translated the proceedings; and

WHEREAS, the Court is required to appoint counsel to represent Petitioner at an evidentiary hearing, 28 U.S.C. § 2254 Rule 8(c) (made applicable by Rule 1(b)). See also 18 U.S.C. § 3006A; and

WHEREAS, Petitioner requires a Spanish-language interpreter,

THEREFORE, IT IS on this 16th day of September, 2020

ORDERED that the Court appoints counsel to represent Petitioner in all further proceedings in this matter before this Court, 18 U.S.C. § 3006A; and it is further

ORDERED that the Clerk of the Court shall identify an attorney from the CJA list for appointment; and it is further

ORDERED that appointed counsel shall file a report with the Court within 45 days of their appointment setting forth the status of their readiness for a hearing; and it is further

ORDERED that the Clerk shall provide a certified court Spanish interpreter for purposes of any hearings to be held in this matter; and it is finally

ORDERED that the Clerk shall send a copy of this Order to Petitioner by regular mail.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.